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36.12.103 FORM AND SPECIAL FEES (1) A filing fee, if required, shall be paid at the time the permit, change, notice of completion, extension of time request, temporary change renewal, ownership update, or petition application (hereafter singularly or collectively referred to as application) is filed with the department. The department will not process any application without the proper filing fee. Failure to submit the proper filing fee within 30 days after notice shall result in a determination that the application is not correct and complete, and it shall be terminated.

(a) For an Application for Beneficial Water Use Permit, Form No. 600, filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA, or in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA or a controlled groundwater area pursuant to 85-2-506 and 85-2-507, MCA, or filed under a compact pursuant to Title 85, chapter 20, MCA, for all surface water, or a groundwater appropriation of greater than 35 gallons per minute, there shall be a fee of \$800.

(b) For an Application for Beneficial Water Use Permit, Form No. 600, filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA or in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA or a controlled groundwater area pursuant to 85-2-506 and 85-2-507, MCA, or filed under a compact pursuant to Title 85, chapter 20, MCA, for a groundwater appropriation of 35 gallons per minute or less, there shall be a fee of \$200.

(c) For an Application for Beneficial Water Use Permit, Form No. 600, not filed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, MCA, nor in an administratively closed basin pursuant to 85-2-319, 85-2-321, or 85-2-322, MCA, nor a controlled groundwater area pursuant to 85-2-506 and 85-2-507, MCA, nor filed under a compact pursuant to Title 85 chapter 20, MCA, for all surface water, or a groundwater appropriation of greater than 35 gallons per minute there shall be a fee of \$600.

(d) For an Interim Permit, there shall be a fee of \$150 in addition to (1)(a), (b) or (c).

(e) For a Notice of Completion of Groundwater Development (for groundwater developments with a maximum use of 35 gpm or less, not to exceed 10 acre-feet per year), Form No. 602, there shall be a fee of \$125.

(f) For an Application for Provisional Permit for Completed Stockwater Pit or Reservoir (maximum capacity of the pit or reservoir must be less than 15 acre-feet), Form No. 605, there shall be a fee of \$125.

(g) For an Application to Change a Water Right, Form No. 606, there shall be a fee of \$700, except there shall be a fee of \$200 when:

(i) the change application, Form No. 606, concerns a replacement well, greater than 35 gpm or ten acre-feet, or a municipal well that does not exceed 450 gpm, or replacement reservoir located on the same source; or

(ii) the change application, Form 606, concerns only moving or adding stock tanks to an existing system.

(h) For an Application for Extension of Time, Form No. 607, there shall be a fee of \$200.

(i) For a Water Right Ownership Update, Form No. 608, there shall be a fee of \$50, plus \$10 for each water right transferred after the first water right, not to exceed a maximum of \$300.

(j) For filing an Objection to Application, Form No. 611, there shall be a fee of \$25.

(k) For an Application to Renew a Temporary Water Right Change, Form No. 626, there shall be a fee of \$200.

(l) For a Controlled Groundwater Area Petition, Form No. 630, there shall be a fee of \$1500, plus the petitioner shall also pay:

(i) photocopy and postage costs for copying and mailing the appointment of the hearing examiner, notice of hearing, and petition to all land owners and water right owners located within the proposed boundaries, and other persons as required by 85-2-506, MCA;

(ii) photocopy and postage costs for copying and mailing the hearing examiner's proposal for decision, final order, and other orders as needed;

(iii) newspaper publication of the notice of hearing and orders as required by statute and the hearing examiner;

(iv) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner; and

(v) other costs of holding the hearing, conducting the investigations or studies, and making records pursuant to 85-2-506 and 85-2-507, MCA, except the cost of salaries of the department personnel.

(m) For a Petition for Closure of a Highly Appropriated Basin, Form No. 631, there shall be a fee of \$1500 plus the petitioner shall also pay:

(i) publication costs of the proposed ruled in the Montana Administrative Register;

(ii) photocopy and postage costs for copying and mailing the Administrative Rules Proposal Notice and appointment of the hearing examiner to all land owners and water right owners located within the proposed boundaries and other persons as required by 85-2-319, MCA;

(iii) photocopy and postage costs for copying and mailing the Notice of Adoption and other documents as needed;

(iv) newspaper publication of the Notice of Rulemaking Hearing;

(v) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner; and

(vi) other costs of holding the hearing, conducting investigations or studies, and making records pursuant to 85-2-319, MCA except the cost of salaries of the department personnel.

(n) For a Replacement Well Notice, Form No. 634, there shall be a fee of \$100.

(o) For a Redundant Well Construction Notice, Form No. 635, there shall be a fee of \$50.

(p) For a Reinstatement Request, Form No. 637, there shall be a fee of \$200.

(q) For a Water Reservation Application for Instream Flow, Form No. 638, there shall be a fee of \$800, plus the applicant shall also pay:

- (i) photocopy and postage costs for copying and mailing the appointment of the hearing examiner and notice of hearing;
- (ii) photocopy and postage costs for copying and mailing the hearing examiner's proposal for decision, final order, and other orders as needed;
- (iii) newspaper publication of the notice of hearing and orders as required by statute and the hearing examiner;
- (iv) actual rental costs for the hearing location and required sound equipment as determined by the hearing examiner; and
- (v) other costs of holding the hearing, conducting investigations or studies, and making records pursuant to 85-2-506 and 85-2-507, MCA, except the cost of salaries of the department personnel.

(2) There shall be no fees charged for filing the following forms:

- (a) Form No. 608A, Addendum to Water Right Ownership Update Form for Apportioned Water Right;
- (b) Form No. 617, Project Completion Notice of Permitted Water Development;
- (c) Form No. 618, Project Completion Notice for Change of a Water Right;
- (d) Form No. 625, Correction to a Water Right.

(3) The department will charge special fees not to exceed reasonable amounts for the following services:

- (a) microfilm, reader-printer copies;
- (b) photostatic copies;
- (c) requested computer services;
- (d) blueprints or tracings;
- (e) costs associated with contracting for professional hearings officer services;
- (f) audio copy of hearing. (History: 85-2-113 , MCA; IMP, 85-2-113 , 85-2-312 , MCA; NEW, Eff. 7/5/73; AMD, Eff. 2/4/75; AMD, 1982 MAR p. 702, Eff. 4/16/82; AMD, 1984 MAR p. 882, Eff. 6/1/84; AMD, 1985 MAR p. 1242, Eff. 8/30/85; AMD, 1987 MAR p. 1560, Eff. 9/11/87; AMD, 1991 MAR p. 1009, Eff. 6/28/91; AMD, 1992 MAR p. 1615, Eff. 7/31/92; AMD, 1993 MAR p. 1335A, Eff. 6/25/93; AMD, 1996 MAR p. 2430, Eff. 9/20/96; AMD, 1997 MAR p. 2084, Eff. 11/18/97; AMD, 2000 MAR p. 636, Eff. 2/25/00; AMD, 2003 MAR p. 1535, Eff. 7/18/03; MAR p. 326, Eff. 2/15/08.)